



CITY OF SUNRISE

AGENDA ITEM REQUEST

ORIGINATING DEPARTMENT: COMMUNITY DEVELOPMENT DEPARTMENT

ROUTING:

CITY MANAGER:

DATE: 10/20/09

CITY MANAGER APPROVAL TO BEGIN PROCEDURES.

SIGNATURE: [Signature]

PURCHASING:

DATE: _____

PURCHASING APPROVAL:

SIGNATURE: _____

LEGISLATIVE AIDE:

DATE: BP 10/20/09

CITY ATTORNEY:

DATE: BP 10/20/09

ITEM REQUEST:

An Ordinance of the City of Sunrise, Florida, creating a Damaged Sidewalk Replacement Program and fee schedule; authorizing adjustments to fees by resolution; providing for conflict; providing for severability; and providing an effective date.

FUNDING SOURCE:

N/A

AMOUNT: N/A

BUDGET APPROVAL

SIGNATURE: _____

ATTACHED EXHIBITS:

Damaged Sidewalk Replacement Program

SUMMARY EXPLANATION/BACKGROUND INFORMATION/JUSTIFICATION:

The City of Sunrise recognizes that the maintenance of sidewalks provides significant benefits to the community while maintaining a safe and useable infrastructure throughout the City. In order to address sidewalk maintenance problems that are identified by the City, Section 18-1 of the City Code of Ordinances provides for the construction, maintenance, and repair of public sidewalks to be the responsibility of the abutting property owner. Recognizing that the cost to bring a property with a damaged sidewalk into Code compliance may be significant, the City has developed the Damaged Sidewalk Replacement Program to eliminate permitting costs and requirements and to provide low-cost repair services to residential property owners in order to achieve sidewalk maintenance compliance.

The Damaged Sidewalk Replacement Program enables the owners of residential real property in Sunrise to contract with the City of Sunrise to perform at a reasonable cost the replacement of up to twenty-five (25) lineal feet of damaged sidewalk, in lieu of performing the work themselves or hiring contractors to perform the work. The actual sidewalk repair work will be performed by the City's Public Works Department, and the property owner will be charged for the work at the standard rate then in effect. While the program does not waive any code requirements, City of Sunrise Engineering Division permitting requirements and permit fees shall be waived for projects completed under the program.

DEPARTMENT HEAD RECOMMENDATION:

APPROVAL

PERSON WITH ADDITIONAL INFORMATION:

NAME: MARY LANGLEY PHONE: 954-572-2363

DEPARTMENT HEAD SIGNATURE:


MARK S. LUBELSKI, DIRECTOR

CITY MANAGER RECOMMENDATIONS:

APPROVED FOR AGENDA PLACEMENT.

SIGNATURE:  (CITY MANAGER)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SUNRISE,
FLORIDA, CREATING A DAMAGED SIDEWALK
REPLACEMENT PROGRAM AND FEE SCHEDULE;
AUTHORIZING ADJUSTMENTS TO FEES BY
RESOLUTION; PROVIDING FOR CONFLICT;
PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has established the Damaged Sidewalk Replacement Program (the "Program") to assist participating residential property owners with the replacement of damaged sidewalks; and

WHEREAS, residential property owners who have been cited for a violation of City of Sunrise Code of Ordinances Section 18-1 or whose properties abut damaged sidewalks may contract with the City for the City to replace up to twenty-five (25) lineal feet of damaged sidewalk; and

WHEREAS, under the Program, the estimated cost to construct a sidewalk is based on the fee per square foot determined by the City Commission upon recommendation of the City Manager based on the costs incurred by the City's Public Works Department; and

WHEREAS, a residential property owner participating in the Program will have the City construct up to 25 lineal feet of sidewalk based on the fee per square foot, will

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have the permit requirement waived, and will have the City's permitting fees and inspections waived;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF SUNRISE, FLORIDA:

Section 1. The foregoing Whereas clauses are hereby ratified and incorporated as the legislative intent of this Ordinance.

Section 2. The City has established the Damaged Sidewalk Replacement Program (the "Program"), and a copy of the Program is attached to and made part of this Ordinance as Exhibit "A". The City determines that when the City performs the work for a residential property owner under the Program that no permit is required, and that the property owner does not have to pay permit fees and inspection fees.

Section 3. Any adjustments to the fee per square foot identified within Exhibit "A" shall be approved by resolution of the City Commission after an advertised public hearing.

Section 4. Conflict. All ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in

conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Severability. Should any provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Section 6. Effective Date. This Ordinance shall be effective immediately upon its passage.

PASSED AND ADOPTED upon this first reading this ____
DAY OF _____, 2009.

PASSED AND ADOPTED upon this second reading this ____
DAY OF _____, 2009.

Mayor Roger B. Wishner

Authentication:

Felicia M. Bravo
City Clerk

FIRST READING

MOTION: _____
SECOND: _____

ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

SECOND READING

MOTION: _____
SECOND: _____

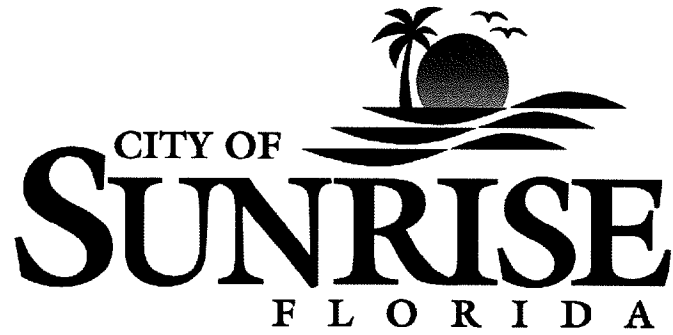
ALU: _____
ROSEN: _____
SCUOTTO: _____
SOFIELD: _____
WISHNER: _____

Approved by the City Attorney
As to Form and Legal Sufficiency.

Stuart R. Michelson

SRMRG1007

C09354



Damaged Sidewalk Replacement Program

DAMAGED SIDEWALK REPLACEMENT PROGRAM

Introduction

The City of Sunrise recognizes that the maintenance of sidewalks provides significant benefits to the community while maintaining a safe and useable infrastructure throughout the City. In order to address sidewalk maintenance problems that are identified by the City, Section 18-1 of the City Code of Ordinances provides for the construction, maintenance, and repair of public sidewalks to be the responsibility of the abutting property owner. Recognizing that the cost to bring a property with a damaged sidewalk into Code compliance may be significant, the City has developed the Damaged Sidewalk Replacement Program to eliminate permitting costs and requirements and to provide low-cost repair services to residential property owners in order to achieve sidewalk maintenance compliance.

Program Summary

The Damaged Sidewalk Replacement Program enables the owners of residential real property in Sunrise to contract with the City of Sunrise to perform at a reasonable cost the replacement of up to twenty-five (25) lineal feet of damaged sidewalk, in lieu of performing the work themselves or hiring contractors to perform the work. The actual sidewalk repair work will be performed by the City's Public Works Department, and the property owner will be charged for the work at the standard rate then in effect per Exhibit "3," Fee Schedule (which shall be based on an estimate of the City's actual cost). While the program does not waive any code requirements, City of Sunrise Engineering Division permitting requirements and permit fees shall be waived for projects completed under the program.

Procedure

In accordance with Section 18-1 of the City of Sunrise Code of Ordinances:

"It shall be the duty of property owners to repair and maintain sidewalks. It shall be the duty of the owners of real estate within the city, at such owner's cost and expense to repair all sidewalks abutting said owner's property and to replace any such sidewalks which cannot be repaired."

The City of Sunrise Engineering Division has established the following standard criteria to be utilized in determining if an existing sidewalk section(s) warrants repair and/or replacement:

1. Any vertical misalignment greater than $\frac{3}{4}$ of an inch.
2. Any horizontal crack or misalignment greater than $\frac{3}{4}$ of an inch.
3. Any horizontal crack or misalignment causing the sidewalk to destabilize and shift when traversed upon.
4. Any sidewalk with sections missing greater than $\frac{3}{4}$ of an inch.

When a sidewalk is found to contain such a defect, the City of Sunrise Code Enforcement Division will identify the defective sidewalk section(s) and issue a written notice of violation (NOV) to the abutting property owner requiring corrective action within 60 days. The NOV will identify the total square footage of sidewalk area in need of repair or replacement and the total cost of said repair should the property owner contract with the City to perform the work. Attached to the NOV will be a City of Sunrise Sidewalk Right of Entry Agreement. This agreement provides for the City of Sunrise to have the right of access and entry to the property for the purpose of removing and clearing broken sidewalks; removing or eliminating tree roots, if deemed appropriate by the City's Urban Forester; and replacing, forming and pouring up to 25 lineal feet of sidewalk in accordance with City standards. A sample Notice of Violation is attached as Exhibit "1" and the City of Sunrise Sidewalk Right of Entry Agreement is attached as Exhibit "2" to this program description.

Upon remittance of payment and the completed Right of Entry agreement by the abutting property owner, the City will arrange for the completion of the sidewalk repair work by the Public Works Department. The Code Enforcement Division will administer the program on behalf of the City.

EXHIBIT "1"

NOTICE OF VIOLATION

CITY OF SUNRISE, FLORIDA
CODE ENFORCEMENT DIVISION
1607 NW 136 Avenue, Building B
Sunrise, Florida 33323

CASE NO. 00-00000000

_____, 2009

NOTICE OF VIOLATION

The undersigned has just and reasonable grounds to believe, and does believe that:

CITY OF SUNRISE

Property Address:

Mailing Address:

RE: Property Legal Description

Did commit the following offense(s) which (is) (are) contrary to the
____ City of Sunrise Code of Ordinances, or ____ the Florida Building Code.

Violation Detail:

Sidewalk is in disrepair and must be maintained as noted.

Violation Description:

Sec. 18-1(b). Compulsory sidewalk construction and repair.

(b) Duty of property owners to repair and maintain sidewalks. It shall be the duty of the owners of real estate within the city, at such owner's cost and expense to repair all sidewalks abutting said owner's property and to replace any such sidewalks which cannot be repaired.

(c) Standards of construction and repair. All sidewalks shall be constructed in accordance with the the standards and requirements of the Code of the City of Sunrise and other such requirements that may be established by the city engineer to administer the requirements of this section.

(d) Notice to property owner. Upon the determination that a sidewalk shall be constructed, repaired or replaced, the city shall mail to the fee simple owner of the abutting property, by United States mail, return receipt requested, notice that the required construction, repair and replacement must be completed within sixty (60) days of the receipt of the notice. The city engineer may grant a thirty-day extension upon a demonstration that a good faith effort is being made to comply with the requirements of this section. Any land owner so notified, may request to

appear before the city council, which may, upon consideration of the evidence presented a such hearing determine whether a hardship exists and determine how the cost and manner of repairs shall be accomplished.

SEC. 18-2. Construction, repair and replacement by the city.

(a) If an owner notified pursuant to section 18-1(d) does not, within the applicable time period, construct, replace or repair such sidewalk, the city shall thereupon cause the sidewalk to be constructed, replaced or repaired in accordance with the requirements of this section.

(b) Upon completion of the construction, replacement or repair of any sidewalk by the city, all costs and expenses incurred therefor by the city shall constitute a lien against the abutting property and shall be subject to enforcement as provided by law.

Violation Corrective Action:

____ Obtain required permits and final inspections from the Planning and Development Department to repair/replace the damaged sidewalk adjacent to this property. All required construction, repair and replacement must be completed within sixty (60) days of the receipt of the notice.

____ If a residential property, choose to have the City perform the replacement of up to 25 lineal feet of sidewalk in lieu of having a contractor perform the work or in lieu of performing the repair yourself. The City has determined ____ square feet of sidewalk must be replaced, at cost of \$ ____ per square foot, for a total cost of \$ _____. Please complete the attached "City of Sunrise Sidewalk Right of Entry Agreement" and remit payment, payable to "The City of Sunrise", to the following address:
City of Sunrise, Code Enforcement Division
1607 NW 136 Ave, Bldg. B
Sunrise, FL 33323

Said violation shall be corrected by , 2009.

Means of service: () 1. Certified mail w/ return receipt No. _____
() 2. Registered mail w/return receipt No. _____
() 3. Personal service on _____
() 4. Signature of person served: _____

Date: _____
Inspector: _____
Direct Line: _____

Signature: _____

EXHIBIT "2"

CITY OF SUNRISE

SIDEWALK RIGHT OF ENTRY AGREEMENT

CITY OF SUNRISE DAMAGED SIDEWALK REPLACEMENT PROGRAM
RIGHT OF ENTRY AND HOLD HARMLESS AGREEMENT

I/We _____, am/are the owner(s)/leaseholder(s) of the property commonly identified as _____ (street address), Sunrise, Florida, located in Broward County, Florida, (the "Property").

I/we do grant and give freely and without coercion, the right of access and entry to the Property to the City of Sunrise ("City"), its employees and officers, and/or its agents, assigns, contractors, and subcontractors, (collectively referred to as "City Representatives"), for the purpose of removing and clearing broken sidewalks, removing or eliminating tree roots if deemed appropriate by the City's Urban Forester, and replacing, forming and pouring up to 25 lineal feet of sidewalk, in accordance with City standards, located on the Property, and identified more fully on the attached survey or sketch of the property.

I/we recognize and agree to remove and replace adjacent landscaping and sod in order to facilitate the sidewalk repair.

I/we have chosen to have the City to perform the replacement of up to 25 lineal feet of sidewalk in lieu of having a contractor perform the work or in lieu of performing the repair myself. I understand that by choosing the City to replace the sidewalk that the permit fee and inspections will be waived.

It is fully understood that neither the replacing of sidewalks nor this Agreement creates an obligation of the City to perform ongoing or future sidewalk maintenance.

The undersigned agrees and warrants to hold harmless, the City of Sunrise, its employees, officers, agents, assigns, contractors, and subcontractors, for damages of any type, whatsoever, including but not limited to, damage to sod, fences, other landscaping, other trees, landscape lighting, and/or sprinkler systems located on the Property or swale, the Property itself, and/or persons situated on the Property, on account of the activities of the foregoing persons and entities, whether caused by negligence or omission of the foregoing persons and entities, and releases, discharges and waives any action, either legal or equitable, that might arise out of any activities on the Property.

For the consideration and purpose set forth in this Agreement, I/we set forth my/our hand(s) this _____ day of _____, 20____.

Owner/Leaseholder

Owner/Leaseholder

Address

Telephone

EXHIBIT “3”

FEE SCHEDULE (Adopted October 13, 2009)

Cost charged by the City of Sunrise for removing and clearing damaged sidewalks, removing or eliminating tree roots (if deemed appropriate by the City's Urban Forester), and replacing, forming and pouring up to 25 lineal feet of sidewalk in accordance with City standards:

\$7.00 per square foot¹

¹Any adjustments to the fee per square foot shall be approved by resolution of the City Commission after an advertised public hearing.

